

PHILLIP A. TALBERT
United States Attorney
JUSTIN J. GILIO
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE DUENAS ET AL.,

Defendants.

CASE NO. 1:24-CR-00033-JLT-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: 10/9/2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 10/9/2024.
2. By this stipulation, defendants now move to continue the status conference until 1/22/2025, and to exclude time between 10/9/2024, and 1/22/2025, under 18 U.S.C. § 3161(h)(7)(A), B (i) (ii), and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes wiretap recordings, thousands of pages of investigative reports, surveillance video, audio recordings, cell phone extractions, and other voluminous materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - b) Counsel for defendants desires additional time consult with his/her client, review

1 the voluminous discovery, conduct independent investigation, and pursue a potential pretrial
2 resolution of the case.

3 c) Counsel for defendants believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 d) The parties also need the additional time to negotiate pretrial resolutions and draft
7 plea agreements.

8 e) The government does not object to the continuance.

9 f) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of 10/9/2024 to 1/22/2025, inclusive,
14 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) (ii), and (iv) because it is so
15 unusual or so complex, due to the number of defendants, the nature of the prosecution, or the
16 existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation
17 for pretrial proceedings or for the trial itself within the time limits established by this section and
18 because failure to grant the continuance would deny the defendant reasonable time to obtain
19 counsel, would unreasonably deny the defendant or the Government continuity of counsel, or
20 would deny counsel for the defendant or the attorney for the Government the reasonable time
21 necessary for effective preparation, taking into account the exercise of due diligence.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 19, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: September 19, 2024

/s/ Nicholas Reyes
Nicholas Reyes
Counsel for Defendant
JOSE DUENAS

Dated: September 10, 2024

/s/ Anthony Capozzi
Anthony Capozzi
Counsel for Defendant
HECTOR DUENAS

Dated: September 19, 2024

/s/ Roger Wilson
Roger Wilson
Counsel for Defendant
EDUARDA MENDOZA
SANCHEZ

Dated: September 19, 2024

/s/ Steven Crawford
Steven Crawford
Counsel for Defendant
ANTHONY VARELA

ORDER

IT IS SO ORDERED that the status conference is continued from October 9, 2024, to **January 22, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) (ii), and (iv).

IT IS SO ORDERED.

Dated: September 24, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE